REMARKS

Summary of Office Action

Claims 1-18 and 42-50 were pending in this application. Claims 1-18 and 42-50 were rejected under 35 U.S.C. § 103(a) as being obvious from Thomas et al. U.S. Patent No. 5,666,645 ("hereinafter Thomas") in view of Kessel et al. U.S. Patent No. 5,008,810 ("hereinafter Kessel").

Summary of Examiner Interview

Applicants and applicants' undersigned representative, Peter Snell, wish to thank the Examiner for the courtesies extended during the interview conducted February 25, 2004. In the interview, the § 103 rejection based on Thomas and Kessel was discussed. Although no agreement was reached, the Examiner suggested that applicants further argue the patentability of the pending claims over Thomas and Kessel.

Summary of Applicants' Claimed Invention

Applicants' invention, as defined by independent claims 1, 10, and 42, is directed towards a system, method, and machine readable medium for error-checking program data when constructing program schedules using a program schedule grid.

Program schedules are constructed at television system computers by personnel placing program data accessed from a database into cells of the program schedule grid. As the program schedules are being constructed they are error-checked in real-time by at least one of the television system computers. For example, as someone is placing a program listing into a particular cell (representing a time-slot for a channel) of the program schedule grid, applicants' claimed invention may perform an error-check to make sure that placing the program listing into that cell is appropriate. If, for example, the placement of the program listing is not appropriate, an error message may be displayed and the action may not be allowed to complete.

Applicants' Reply to the § 103 Rejections

Claims 1-18 and 42-50 were rejected under 35 U.S.C. § 103(a) as being obvious from Thomas in view of Kessel. These rejections are respectfully traversed.

Thomas describes an automated data collection (ADC) subsystem 10 that filters received program schedules based on the needs of target devices supported by the Thomas system (e.g., based on which television stations are provided by one or more cable headends), and places the filtered program schedules

in EPG database 90 (Thomas specification, col. 4, lines 1-6 and col. 5, lines 52-57). Thomas also describes a "text fit" process for determining, based on data indicating the field sizes made available by target devices, which fields of the program schedules require editing (Id. at col. 8, lines 9-35 and col. 10, lines 32-35). Thomas describes a manual entry and corrections (MEC) subsystem 20 that allows an operator to make changes to the program schedules stored in EPG database 90 (Id. at col. 7, line 21 to col. 8, line 2).

Kessel describes a system for providing input to a process simulation software device (Kessel Abstract). The Kessel system allows a user to input data which "represent specifications of elements of . . . [a] desired process model" into input forms containing a plurality of input fields (Kessel specification, col. 2, lines 48-49). These input fields of the process model may be "automatically . . . error check[ed] on an input data by input data basis" (Kessel specification, col. 14, lines 41-46). The Kessel system purportedly provides the benefits of "bringing new products to market faster . . . designing plants that require less capital investment and cost less to operate, and . . . reducing manufacturing costs in existing facilities" (Kessel Specification col. 1, lines 50-63).

In the Office Action, the Examiner acknowledges that Thomas does not explicitly disclose applicants' claimed approach of constructing program schedules by personnel placing program data into cells of a program schedule grid (Office Action, page 3, lines 11-13).* However, the Examiner seems to suggest that this approach is inherently disclosed by Thomas by stating that "[n]onetheless, there is unquestionably some point in time when the grid is originally constructed under the direction of an operator" (Office Action, page 3, lines 13-14). Applicants respectfully disagree.

While the Examiner may be correct that there is a point in time when the program grid of Thomas is constructed, Thomas is silent with respect to **how** the Thomas program grid is constructed. In particular, Thomas does not disclose using a program schedule grid displayed on a display in order to construct program schedules. Furthermore, applicants respectfully submit that presumably there are other ways of constructing program schedules that do not involve the use of a displayed program schedule grid such as, for example, implementing suitable computer programming code that defines the

* In particular, the Examiner acknowledges that, "initial data entry into the grid is not disclosed by Thomas."

position of various pieces of data (e.g., program titles) in a grid arrangement.*

For example, attached as Appendix A is a tutorial showing how to construct a table using computer programming code (i.e., html code).** As shown, programming code, and **not** a table displayed on a display, is used to define the position of various "headers" (e.g., "males" and "height") and data (e.g., "1.9" and "0.003") in cells of the table.

In view of the foregoing, applicants claimed approach of constructing program schedules by personnel placing program data into cells of a program schedule grid is not inherently disclosed by Thomas. Furthermore, because presumably there are other ways to construct program schedule grids and because Thomas is silent as to how the Thomas grid is constructed, it would not be obvious to use applicants' claimed approach.

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* The examples provided herein are for purposes of illustration only. This is not an admission that any such system for constructing program schedules without the use of a displayed program grid is available as prior art with respect to the present application.

** This tutorial was obtained from http://www.w3.org/TR/REC-html40/struct/tables.html#h-11.5 on June 22, 2004.

Moreover, Kessel does not make up for this deficiency in Thomas. In particular, as described in detail below by applicants, Kessel merely relates to a process simulation software device and has nothing to do with constructing program schedules, much less constructing program schedules by personnel placing program data into cells of a program schedule grid. Accordingly, for at least these reasons, the § 103 rejections should be withdrawn.

The § 103 rejections should be withdrawn for at least the additional, independent reason that Thomas, taken either alone or in combination with Kessel, fails to show or suggest applicants' claimed feature of error-checking program schedules in real-time as the program schedules are being constructed. In the Office Action, the Examiner acknowledges that Thomas does not disclose this feature (Office Action, page 3, lines 11-13). To address this deficiency, the Examiner points to Kessel. The alleged motivation to combine Thomas with Kessel is based on the Examiner's contention that while "Kessel initially describes his system as being applied to process engineering . . . the substance of his disclosure is addressed to general applications" (Office Action, page 3, lines 18-20).

Applicants respectfully submit that this rejection is improper. The law states that:

> It is impermissible within the framework of a section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art

(In re Wesslau, 147 USPQ 391, 393). Applicants respectfully submit that this is exactly what the Office Action does here. In particular, the Office Action suggests that Kessel relates to more than merely processing engineering systems in order to provide a motivation to combine aspects of the Kessel disclosure with Thomas. To the contrary, the Kessel disclosure refers only to process engineering and never teaches or suggests being used in "general applications" as the Office Action suggests (Office Action, page 3, line 20). As a result, in making the § 103 rejection of applicants' claims, the Office Action overstates what Kessel would have fairly taught or suggested to one of ordinary skill in the art at the time applicants' invention was made.

To illustrate this point, reference is now made to various portions of Kessel that the Office Action contends

relate to applicants' claimed feature of error-checking program schedules in real time as the program schedules are being constructed.

Col. 14, lines 41-45 (see Office Action, page 3, lines 17-18). This portion of Kessel states that data input into data fields may be "automatically . . . error check[ed] on an input by input data basis." However, Kessel clearly states that these data fields are used only for specifying a "desired process model" (Kessel specification, col. 14, lines 35-37).

Col. 1, lines 50-63 (see Office Action, page 3, lines 15-17). This portion of Kessel lists benefits purportedly provided by the Kessel system. Again, these purported benefits merely relate to a "process simulation system" in which a user sketches a flowsheet diagram of a desired manufacturing process, the user inputs various data related to this sketch into a computer, these inputs are checked as they are entered, and the computer runs a simulation software program on this input in order to generate a report.

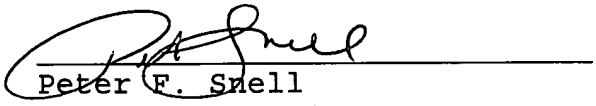
Therefore, Kessel provides no such motivation to modify the Thomas system in such a way as to arrive at the invention defined by applicants' independent claims 1, 10, and 42.

In sum, applicants respectfully submit that Thomas in view of Kessel does not show or suggest the invention defined by applicants' independent claims 1, 10, and 42. Independent claims 1, 10, and 42 are therefore allowable over Thomas and Kessel. Claims 2-9, 11-18 and 43-50, which depend from independent claims 1, 10 and 42, respectively, are allowable over Thomas and Kessel for at least the reasons that the independent claims are allowable over Thomas and Kessel.

Conclusion

Applicants respectfully submit that the foregoing demonstrates that this application is in condition for allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,



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APPENDIX A

11.1 Introduction to tables

The HTML table model allows authors to arrange data -- text, preformatted text, images, links, forms, form fields, other tables, etc. -- into rows and columns of cells.

Each table may have an associated caption (see the CAPTION element) that provides a short description of the table's purpose. A longer description may also be provided (via the summary attribute) for the benefit of people using speech or Braille-based user agents.

Table rows may be grouped into a head, foot, and body sections, (via the THEAD, TFOOT and TBODY elements, respectively). Row groups convey additional structural information and may be rendered by user agents in ways that emphasize this structure. User agents may exploit the head/body/foot division to support scrolling of body sections independently of the head and foot sections. When long tables are printed, the head and foot information may be repeated on each page that contains table data.

Authors may also group columns to provide additional structural information that may be exploited by user agents. Furthermore, authors may declare column properties at the start of a table definition (via the COLGROUP and COL elements) in a way that enables user agents to render the table incrementally rather than having to wait for all the table data to arrive before rendering.

Table cells may either contain "header" information (see the TH element) or "data" (see the TD element). Cells may span multiple rows and columns. The HTML 4 table model allows authors to label each cell so that non-visual user agents may more easily communicate heading information about the cell to the user. Not only do these mechanisms greatly assist users with visual disabilities, they make it possible for multi-modal wireless browsers with limited display capabilities (e.g., Web-enabled pagers and phones) to handle tables.

Tables should not be used purely as a means to layout document content as this may present problems when rendering to non-visual media. Additionally, when used with graphics, these tables may force users to scroll horizontally to view a table designed on a system with a larger display. To minimize these problems, authors should use style sheets to control layout rather than tables.

> ***Note.*** *This specification includes more detailed information about tables in sections on table design rationale and implementation issues.*

Here's a simple table that illustrates some of the features of the HTML table model. The following table definition:

```
<TABLE border="1"
          summary="This table gives some statistics about fruit
```

```
                    flies: average height and weight, and percentage
                    with red eyes (for both males and females).">
<CAPTION><EM>A test table with merged cells</EM></CAPTION>
<TR><TH rowspan="2"><TH colspan="2">Average
    <TH rowspan="2">Red<BR>eyes
<TR><TH>height<TH>weight
<TR><TH>Males<TD>1.9<TD>0.003<TD>40%
<TR><TH>Females<TD>1.7<TD>0.002<TD>43%
</TABLE>
```

might be rendered something like this on a tty device:

```
      A test table with merged cells
/-----------------------------------------\
|           |      Average      |   Red   |
|           |-------------------|  eyes   |
|           |  height |  weight |         |
|-----------------------------------------|
|  Males    | 1.9     | 0.003   |   40%   |
|-----------------------------------------|
| Females   | 1.7     | 0.002   |   43%   |
\-----------------------------------------/
```

or like this by a graphical user agent:

A test table with merged cells

	Average		Red eyes
	height	**weight**	
Males	1.9	0.003	40%
Females	1.7	0.002	43%